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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,579	10/18/2001	Masahiro Hashimoto	15006	7602

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EXAMINER	
JUNG, DAVID YIUK	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,579	HASHIMOTO, MASAHIRO	
	Examiner	Art Unit	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *7 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-30 are presented.

Response to Arguments

Applicant's arguments are presented in the Remarks section (pages 2-3) of the latest Response. At page 2, Applicant appears to characterize the rejection as that of citing Shimizu to teach "adjusting a ... interval." This appears to be a typo on part of Applicant. Actually, Kato cited for that purpose.

At pages 2-3, Kato is discussed. Applicant does not appear to dispute that Kato teaches "adjusting a .... interval." Yet, Applicant has not given arguments on why Kato should not have been combined with the other references. Instead, Applicant has given arguments on why Kato does not teach the exact recitation of the claims. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Even if (as at the first sentence of page 3), Applicant believes that there may be some advantage in the secondary references being used in different ways than as noted in the rejection, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when

the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Thus, the claims remain rejected.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP11077540 (cited by Applicant, Shimizu et al.) and JP07267765 (cited by Applicant, Kato) and JP09178119 (cited by Applicant, Takahashi).

Regarding claim 1, Shimizu teaches "An electronic watermark detection device having an electronic watermark detection means for detecting an electronic watermark inserted into an image signal and indicative of at least ..., comprising: detection result adjustment means for ... a detection ... of said electronic watermark based on a detection result of said electronic watermark detection means. (section "Process of Logging On", i.e. domain controller and the access policies such as the policy regarding checks and tickets)."

These passages of Shimizu do not teach "copyright information" in the sense of the claim.

Takahashi teaches "copyright information (Problem section)" for the motivation of effective adaptive processing of image (Problem section).

These passages of Shimizu do not teach "adjusting a ... interval" in the sense of the claim.

Kato teaches "adjusting a ... interval (Solution section, i.e. sub-code performed only when the control information changes by detecting)" for the motivation of shortening processing time (Problem section).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify and to combine the references for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2 (accumulating result, etc.), such particular features are well known in the art for the purpose of effective data monitoring. Regarding claims 3-10, such particular features are well known in the art for the purpose of effective data monitoring and control.

Regarding claims 11-30, these claims are analogs (e.g., claims 11-20 are method analogs) to claims 1-10. For the reasons noted in the rejections of claims 1-10, these claims are not patentable.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

David Jung

Patent Examiner

7/10/06